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August 19, 2005

Ms. Charlene Witczak  
W. WA Municipal SW Permit Comments  
WA Department of Ecology  
Water Quality Program  
P O BOX 47600  
Olympia, WA 98504-7600

Dear Ms. Witczak:

Thank you for the opportunity to review and comment on the draft Phase II NPDES Municipal Stormwater Permit.

The City of Monroe is concerned about the cost of implementing the proposed permit requirements and the legal consequences of third party lawsuits for failure to comply with the unrealistic expectations of some of the proposed permit requirements. Below I have summarized our concerns with specific sections of the proposed permit.

#### Special Conditions

S.6.The monitoring requirements are particularly onerous for small jurisdictions. While the City of Monroe can conduct tests of some water quality parameters, the establishment of a meaningful monitoring program to meet the objectives in the permit is beyond the technical and financial capabilities of the City. A basin wide monitoring program coordinated and funded by the Department of Ecology would provide meaningful data.

S.7.C.1.b It is impossible to reach 100% of the target audience (new residents are always moving in) by the expiration date. Using a figure of 90% as is used in the National Flood Insurance Program Community Rating System would be more realistic.

S.7.C.2.a This seems rather vague. How many opportunities are required and what type of opportunities? Is one newspaper notice of a single public hearing sufficient?

S.7.C.3.b.i If the Clean Water Act prohibits discharge of non-stormwater to the stormwater system, do these exemptions open the City to third-party lawsuits

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when we require the connection of footing drains to the stormwater system? The intent of have exemptions would be clearer by changing S.7.C.3.b to read "Each permittee shall develop and implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater significant contributors of pollution, illegal discharges, and/or dumping...".

S.7.C.3.d What is the extent of training required? Is DOE developing a training program?

General Conditions

G.9.B and G.20 state all records must be retained for 5 years and G.9.E states calibration records must be maintained for only 3 years.

Again, thank you for the opportunity to comment on the draft Phase II NPDES Municipal Stormwater permit. We look forward to receiving the final draft.

Sincerely,

Brad Feilberg, P.E.  
Engineering Director